

CONSUMER CONFIDENCE REPORTS QUESTIONS AND ANSWERS

ISSUE:

1998 PA 56 amended the Michigan Safe Drinking Water Act (1976 PA 399, as amended) and requires the department to promulgate rules relating to consumer confidence reports (CCR). This document is being developed as guidance for staff to facilitate compliance with the new regulations. This document does not reiterate requirements specified in the rule, but attempts to clarify implementation issues that may be confusing or not specifically addressed.

RULE AUTHORITY:

1998 PA 56 amended the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). This amendment requires a supplier of water to provide to its customers consumer confidence reports as required by title XIV of the public health service act, chapter 373, 88 Stat. 1660, popularly known as the Safe Drinking Water Act.

The administrative rules covering the CCR are R 325.10411 – R 325.10415 and R 325.10420 (Rules 411 – 415 and 420). The Act 399 and the administrative rules are available on the Internet at www.michigan.gov/deg, click on Water, Drinking Water, Community Water Supply, scroll down to Laws and Rules and click on Michigan Safe Drinking Water Act.

APPLICATIONS:

Who is responsible for preparing a CCR?

The regulations apply only to community water systems (CWS). Every community water system has an obligation to ensure that their customers and consumers receive the required information. When multiple water supplies, typically consecutive systems, have partial responsibility for water supply activities in overlapping jurisdictions, it may be confusing which supply is ultimately responsible for preparation and delivery of the report. The following is intended to clarify responsibilities in these situations.

Rule 412(3) states that “The supplier of a community water system that sells water to another community water system shall deliver the applicable information required in R 325.10413 to the buyer system”, generally four months prior to the reporting deadline. This is necessary for the retail public water supply to have access to the information and enough time to prepare and distribute the report prior to the report deadline.

Therefore, it is clear that community water supplies that purchase water on a wholesale basis (i.e., supplies are master metered), are expected to receive the required information and prepare and distribute their own CCR. Since many water supplies in this situation perform distribution monitoring and are responsible for billing customers, it is logical that these supplies should be responsible for the CCR preparation and distribution.

If a community water supply sells water on a wholesale basis to another community water supply, it may also be providing water to its own customers and/or consumers. In this situation, the wholesaler must provide the necessary information to the subsequent supply so they may

prepare their own report, however, the originating water supply must also prepare and distribute a CCR to their own customers and/or consumers.

In some situations, a community water system may own their distribution system, however, they receive water from a regional community water system which is also responsible for control and maintenance of the distribution system. In cases where the regional supplier performs all distribution system monitoring and bills customers directly, the regional supplier would be expected to prepare and distribute the CCR to all its customers. The “retail” water supply should assist the regional supplier in making a good faith effort to reach consumers who do not get water bills.

A “retail” water supply, as described above (i.e., without a master meter), may wish to prepare and distribute its own CCR. The “retail” water supply may use this opportunity to communicate with customers and consumers about improvements in the water system, planned changes and/or expansions in the system, or problems that need to be addressed. The CCR should be a tool to highlight developments and successes in the water system and also educate the community about deficiencies or weakness that may need additional funding in the future.

We encourage water supplies with overlapping responsibilities to communicate early in the process of developing a CCR, so there is no unnecessary duplication of efforts and to avoid the possibility that a CCR is not prepared because someone thought it was another’s responsibility.

In general, the water supply which interacts directly with the customer; i.e., reads the meter, bills the customer, takes bacteriological samples in the distribution system; will be expected to prepare and distribute the CCR. However, ultimately, it will be the water supply that owns their distribution system that will be held responsible for ensuring that the required information reaches all consumers, to the extent practicable, as required by the rule. The report prepared by a regional water supply will only be considered adequate for a consecutive water supply if the report is comprehensive and includes all necessary information for the “retail” system.

Are Manufactured Housing Communities (MHCs) subject to these requirements?

If a MHC is a community water supply with its own source of supply (i.e., its own wells), the MHC must prepare and distribute a CCR to all customers and/or consumers, in accordance with the regulations.

If a MHC receives water from a municipal community water supply on a wholesale basis (i.e., through a master meter), then the municipal community water supply is required to prepare and distribute the CCR to the billing customer. As part of the required good faith efforts to reach all consumers, it is anticipated that the MHC will be enlisted to ensure that the information is made available to each consumer.

If the distribution system within the MHC is owned by the municipal community water system and the municipality bills each customer directly, then the municipal community water system is responsible for preparing and distributing the CCR to each customer.

Is a wholesale CWS required to provide the necessary information to its customer supply in a “table ready” format or can it be copies of laboratory data sheets?

The rule indicates that a wholesale CWS must deliver the applicable information required to the buyer system. However, it is not clear whether this should be a copy of laboratory data sheets or if this information should be in a format ready to insert into the required data table.

It is our recommendation that the wholesale CWS should prepare the data for the buyer system(s). It is the wholesale CWS that is familiar with necessary computations to determine compliance for certain parameters and will be familiar with potential circumstances surrounding confirmation sampling for compliance. The wholesale CWS has a vested interest in having the quality of its water presented correctly and consistently. This will reduce errors and potential discrepancies that could occur if several retail systems needed to create the data tables from the same information.

Is there a required format for presenting the data table?

No. However, supplies are required to present the information in an easily readable format presenting the information as understandably as possible. To this end, we are recommending that the data be presented in several tables grouping constituents in an organized manner. Examples would include the following:

1. Regulated inorganic parameters, regulated organic parameters, unregulated parameters, and distribution system monitoring; or
2. Regulated at the treatment plant, regulated at the customer's tap, regulated in the distribution system, and unregulated contaminants; or
3. Microbiological contaminants, radiochemical contaminants, inorganic contaminants, synthetic organic contaminants including pesticides and herbicides, volatile organic contaminants and unregulated contaminants.

If a CWS does not sell water and it does not have any bill-paying customers, must it still prepare and distribute a CCR?

Yes. The rule requires each CWS to mail or otherwise directly deliver one copy of the report to each customer. In addition, the system must make a good faith effort to reach consumers who do not get water bills. If there are no bill-paying customers, the CWS must still make a good faith effort to reach consumers who are served by the system, such as renters, students or workers. Good faith efforts are described in the rule. Appropriate good faith efforts will be specific to each system's needs.

Must the CCR be translated into other languages?

The rule requires that in communities that have more than 10% non-English speaking residents, the report shall contain information in the appropriate language(s) regarding the importance of the report. Or the report must contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language. The state believes that it should be the responsibility of the CWS to determine if this is necessary. If the CWS is already providing copies of public notices in alternate languages in order to reach a large proportion of non-English speaking consumers, then it would be appropriate to also provide this for the CCR.

What information about source water assessments must be included in the report?

The state completed source water assessments in 2003 and mailed each supply the results in early 2004. The CCR must include the availability of the information and the means to obtain it. For customer's convenience, we encourage supplies to include in a brief summary of the supply's susceptibility to potential sources of contamination. A groundwater supply may use the following language or other language appropriate to the supply:

Your water comes from [HOW MANY] groundwater wells drawing from the [WATERSHED NAME] watershed. The State performed an assessment of our source water in 2003 to determine the susceptibility of the source water to contamination from identified sources. The susceptibility rating is on a seven-tiered scale from "very-low" to "very-high" based primarily on geologic sensitivity, water chemistry and contaminant sources. The susceptibility of our source is [ENTER SUSCEPTIBILITY RATING FROM THE REPORT. IF YOU HAVE MORE THAN ONE SOURCE, IDENTIFY THE SUSCEPTIBILITY OF EACH SOURCE]. "Significant sources of contamination include [ENTER SOURCES OF CONTAMINATION, IF ANY]. We are making efforts to protect our sources by [OUTLINE EFFORTS INCLUDING PARTICIPATION IN THE WELLHEAD PROTECTION PROGRAM]. "If you would like to know more about the report please contact [HOW CAN CONSUMERS GET MORE INFORMATION? CONTACT PERSON, ORGANIZATION, ADDRESS, PHONE, EMAIL, WEB SITE ADDRESS?]"

What information must be included in the required data table?

Only the following needs to be included in the table:

1. Detected contaminants subject to a maximum contaminant level (MCL), an action level (AL), maximum residual disinfectant level (MRDL), or a treatment technique (TT) (i.e., regulated contaminants);
2. Detected contaminants for which monitoring is required under 40 CFR 141.40 (i.e., unregulated contaminants); and
3. Disinfection by-products or microbial contaminants (except *Cryptosporidium*) for which monitoring is required under the Information Collection Rule (ICR) (40 CFR 141.142 and 141.143) which are detected in the finished water.

The analytical scans that are run by the state lab and many private certified labs include parameters that are not required to be monitored by federal or state law. The data table must only include those parameters detected that are regulated or required unregulated contaminant monitoring.

The data table shall not include non-detected parameters. If the system wishes to include this information in the CCR, it must be presented separately from the required data table. A system can highlight the fact that it tests for, and does not find many other contaminants, but it must be presented either as a footnote or outside of the table in another section of the report.

Have CCR requirements changed under the recently promulgated arsenic and disinfection rules?

Arsenic: Beginning in January 2006, supplies must comply with the new arsenic maximum contaminant level (MCL) of 0.010 milligrams per liter, or 10 parts per billion (ppb). Until then the MCL is 50 ppb. In the interim, you must include certain language in your CCR based on the last level detected. Use the following table as a guide:

<i>If arsenic results were ...</i>	<i>Then include the following in your table of detected contaminants ...</i>
Not detected	Not applicable – you don't need to report contaminants that are not detected (except sodium, which must be reported, even if not detected)
Detected at 5 ppb or lower	Levels detected The typical sources of contamination
Detected above 5 ppb but less than or equal to 10 ppb	Levels detected The typical sources of contamination "While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems."
Detected above 10 ppb	Levels detected The typical sources of contamination "Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer."

Chlorine, Total Trihalomethanes, Haloacetic Acids: Report the highest running annual average and the range of detections of these regulated contaminants. Supplies that monitor for disinfectant residuals must include the definitions of MRDL and MRDLG found in Rule 413(6)(c) and (d).

Should the results of voluntary monitoring be included in the table?

If constituents are detected that are not regulated or part of the required unregulated contaminant monitoring, supplies are encouraged to include this information in the CCR if the results indicate that there may be a health concern (i.e., levels exceed a proposed National Primary Drinking Water Regulation (NPDWR) or Environmental Protection Agency (EPA) has issued a health advisory). Supplies can find out if there is a proposed standard or a health advisory by contacting the Safe Drinking Water Hotline at 800-426-4791. Voluntary monitoring information must be presented separately from the required data table.

Should the results of process monitoring or source water monitoring be included in the report? For example, fluoride is a regulated contaminant and monitoring is required 1/year for surface water supplies and 1/3 years for groundwater supplies. However, if fluoride treatment is provided, a plant tap sample is required to be taken daily. Should this information be presented?

Results of source water monitoring are not required to be included in the report as the intent of the CCR is to provide information to consumers on the quality of water delivered to their homes.

Results of process monitoring are also not required to be included in the report, as this monitoring is not performed as compliance monitoring for regulated or unregulated contaminants. In addition, process monitoring might not be performed in accordance with the required analytical methods specified for compliance monitoring.

With respect to the fluoride example, only results from the partial chemical sample for compliance monitoring would be reported in the CCR. The supply may wish to indicate that daily fluoride monitoring is also performed.

Should the report include sodium?

Yes. Even if sodium was not detected, report the level of sodium at the entry point to the distribution system,. Sodium has no MCL or MCLG. The typical source of contamination is erosion of natural deposits.

Do the lead and copper requirements apply to all systems or just to those exceeding either or both of the action levels for lead and copper?

If lead or copper was detected, it must be included in the report. Even if the 90th percentile lead or copper levels are below the action level, the system may have still detected lead or copper and reporting is required.

Does water quality parameter monitoring need to be reported in the CCR?

This monitoring is not voluntary, however, it is also not regulated contaminant monitoring, unregulated contaminant monitoring, or monitoring for disinfection by-products or microbial contaminants. Therefore, reporting in the CCR is not required.

Does radon need to be reported if only source water was monitored?

Results of radon monitoring must be included in the CCR if the system has performed any monitoring which indicates that radon may be present in the finished water. This means that if iron removal treatment using aeration is provided and it is unlikely that radon would be present in the finished water, then it is not necessary to include the monitoring results. However, if the likelihood that radon detected in source water would also be present in finished water, then this information must be included.

If a supply operates more than one well field or raw water source, should the data table have separate columns for each source?

Data should be presented in separate columns or tables only if water from multiple sources remains completely hydraulically separated. If multiple raw drinking water sources from one community water supply remain separate throughout the treatment plants and the distribution system, then either data must be shown in separate data columns or individual reports may be prepared for the distinct service areas.

Should data on sources that are off-line or stand-by be included in the table?

Compliance monitoring may be performed throughout the year at off-line or stand-by wells or stand-by treatment plants. This monitoring data should only be included in the table if finished water was produced and it entered the distribution system during the reporting period that is covered by the report.

For example, if a well field is not used because of potential volatile organic compound (VOC) contamination or elevated nitrates, these wells may be low on the protocol for being called into service. The wells would still be sampled and analyzed in compliance with the monitoring schedule. However, if the wells did not produce finished water by pumping to the distribution system, then these wells do not represent water quality to which the community has been exposed over the calendar year.

A community may wish to include this information in the CCR for other purposes. This is acceptable, but the information should be presented separately from the required table. It may be beneficial to report information on a vulnerable well or source to communicate with the public about source water protection efforts or to support funding efforts for additional or replacement source capacity.

Are there additional state requirements?

Act 399 requires either the CCR or other reports and notices, or both, to contain specific information if regulated contaminants are detected in a public water supply, and certain subpopulations are particularly vulnerable to the adverse effects because of age, gender, pregnancy, or preexisting medical conditions.

For the following constituents, the CCR must contain the information noted:

1. The contaminant that was detected.
2. The level of the contaminant that was detected.
3. The vulnerable population that may be susceptible to the level of contaminant detected.
4. The potential adverse health effects associated with exposure of the vulnerable population to the level of contaminant detected in the water supply.

The following constituents must be addressed if any sample is detected above a “level of concern:”

Contaminant	Susceptible Vulnerable Subpopulation	Level of Concern
Fecal coliform/E. Coli	Infants, young children, the elderly and people with severely compromised immune systems.	Confirmed Presence (any confirmed detect)
Copper	People with Wilson’s Disease.	1.3 mg/l (ppm)
Fluoride	Children.	4.0 mg/l (ppm)
Lead	Infants and children.	15.0 µg/l (ppb)
Nitrate	Infants below the age of six months.	10.0 mg/l (ppm)
Nitrite	Infants below the age of six months.	1.0 mg/l (ppm)

Required health effects language is provided in Table 1 of Rule 405. In addition, for nitrate and lead, the educational statements in Rule 414(3) and 414(4), respectively, must be used, unless approval is granted from the state for alternative language.

Rule 415(4) requires supplies to deliver a copy of the report to the local health department(s), that covers the area served by the system, at the same time that the report is distributed to its customers.

Rule 413(8) requires supplies to include the level of sodium in the report.

Are supplies allowed to include other information in the report?

The reports must contain information on the quality of the water delivered by the systems and characterize the risks, if any, from exposure to contaminants detected in drinking water in an accurate and understandable manner. Systems may include such additional information, as

they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

Who needs to receive the report?

Each community water system must ensure that an annual report on water quality is mailed or otherwise directly delivered to each customer. In addition, the system must make a good faith effort to reach consumers who do not get water bills. This good faith effort should be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters, employees, students, etc.

No later than the date the system is required to distribute the report to its customers, each CWS must mail a copy to the state. In order to help the state respond to questions from the public, the system should send one copy to the state at the same time that the system distributes copies of its report to the public.

As noted above, in addition to sending a copy to its customers and to the state, at the same time the supply must also provide at least one copy to the local health department(s) that covers the area served by the system.

When does the certification need to be sent to the state?

Within 90 days of distributing the report to the customers, but no later than October 1st, the system must send a certification to the state. The certification must state that the report has been distributed to its customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the state. A certification form is available on the Internet at

http://www.michigan.gov/documents/deq/deq-wb-dwehs-cws-CCRCertificate_247587_7.pdf.

Must each supply mail or deliver a copy of the CCR to all customers?

No. Governor Engler signed the Declaration of Mailing Waiver for Consumer Confidence Reports as provided for in the CCR Rule in Rule 415 (7). The CWSs serving fewer than 10,000 persons have the option to use the mailing waiver provision instead of mailing or direct delivery of the reports. Additional mailing waiver provisions are also available for supplies serving fewer than 500 persons.

How is the appropriate population number determined for supplies that serve a fluctuating seasonal population?

Population numbers for a CWS are based on the most recent census data, if available. For some CWSs, census numbers will not apply. In these cases, population figures are calculated based on the number of service connections multiplied by an appropriate factor (typically 2.5 to 3.0 persons/service connections).

CWS means a public water supply that provides year-round service to not fewer than 15 living units or which regularly provides year-round service to not fewer than 25 residents. Year-round service means the ability of a supplier of water to provide drinking water on a continuous basis to a living unit [emphasis added]. Please note that this is regardless of whether the living units are occupied on a year-round basis. As long as the water system is operational, (i.e., it is not

drained and shut down for the winter) there is the ability to provide drinking water to each service connection.

Population numbers for each supply should be discussed with the operator during the surveillance visit and updated on the data gathering form and in T-1, as necessary.

Where can more information be found?

DEQ district staff can answer CCR questions.

The CCR page of the U.S. EPA web site at <http://www.epa.gov/safewater/ccr1.html>, includes:

1. Preparing Your Drinking Water Consumer Confidence Report: Revised Guidance for Water Suppliers, January 2001 <http://www.epa.gov/safewater/ccr/ccrguide.pdf>
2. CCRiWriter is an on-line tool to make your own CCR. You can access it at <http://www.epa.gov/safewater/ccr/ccrwriter.html>